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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/805,395 | 03/13/2001 | Harold E.A. Hansen II | 16312-P001C1 | 7984 |

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EXAMINER

CHOW, MING

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2645

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/805,395

Applicant(s)

HANSEN ET AL.

Examiner

Ming Chow

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: (see attached).
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-3, 6, 12, 18-20, 24-27, 58-61, 69-84.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: _____


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

1. Applicant argues, on page 14, regarding USC 112 rejection to claim 71. However, the arguments are not persuasive for the reasons below.
 - i) Applicant's moving of the quoted phrase changed the scope of claimed limitations. The claimed "the plurality of telecommunications devices" (line 7 of claim 71, amendments filed on 6-24-04) refers to "a plurality of telecommunications devices" (line 6 of claim 71, amendments filed on 6-24-04) that is further limited by "switching circuitry for receiving a call, wherein the switching circuitry connects the call to one of a plurality of telecommunications devices" (line 5-6 of claim 71, amendments filed on 6-24-04).
 - ii) In order to correct an antecedent basis problem as the Examiner objected in Paper No. 14, the Applicant does NOT have to MOVE the whole phrase. For example, the Applicant can simply change the objected "the switching circuitry" to be "a switching circuitry". Applicant's moving the whole phrase is OBVIOUS to change the scope of the whole phrase limitation.
 - iii) Therefore, the Examiner's USC 112 rejection (new grounds) is necessitated by the amendments.
 - iv) Also, the Examiner remained the same art rejections to claim 71 from the non-final rejection to the final rejection.
2. Applicant argues, on page 15, regarding USC 112 rejection to claim 71. However, the arguments are not persuasive for the reasons below.
 - v) Applicant argues "the specification and the drawings clearly show that the telephone extensions are connected to the system solely through the switching circuitry".

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Applicant failed to specifically point out where in the specification and the drawing support the argument. For the specification, the Examiner has rejected because the Examiner found there was no support. For the drawings, Fig. 2 is the only drawing shows an extension (a telephone) that connects to a PBX. But, Fig. 2 is a “prior art” and is not the current application. Also, is the PBX on Fig. 2 the same as the claimed “the system”?

vi) Applicant argues “how does the DSP access the telephone extensions?”. The

Applicant is respectfully reminded that the claim says “switching circuitry for receiving a call.....connects the call to.....telecommunications devices.....telecommunications devices.....accessible solely through the switching circuitry”. It is the “call” accessing the telecommunications devices. The DSP processes the call (i.e., the voice signals) before the call accesses the telecommunications devices.

vii) Applicant argues “the claims do not recite that the telephone extensions are accessible by something other than the system solely through the switching circuitry”.

The Examiner disagrees. In addition to the DSP, the telephone lines or trunks are also required for accessing telecommunications devices.

3. Applicant argues, on page 16, regarding claim 1 about “speaker and microphone”. As rejections stated in the previous Office Action, *Heidari* teaches on column 1 line 60 to column 2 line 2, conversation of a call is recorded. *Heidari* teaches on column 2 line 39-65, voice signal is received by a microphone and output to a speaker. A conversation of a call must involve a caller and a callee. EACH of the caller and the callee must have a

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microphone and a speaker in order to converse through the call. To one skilled in the art, a common telecommunications device for a call conversation is the telephone handset. The “ear-piece” of the handset is the claimed “speaker” and the “mouth-piece” of the handset is the claimed “microphone”. Therefore, *Heidari* teaches two telecommunication devices both (and each one) comprise(s) a speaker and a microphone. Applicant is reminded that, in claim 1, the claimed “one of a plurality of telecommunications devices” (line 4 of claim 1) and “two or more of the plurality of telecommunications devices” (line 6-7 of claim 1) may not necessary to be the same devices. All elements shown on the Fig. 1 of *Heidari* are telecommunications devices. Also, cellular phones coupled to the system and used for call conversation as taught by *Heidari* are also telecommunications devices.

4. Applicant argues, on page 16, regarding “digital crosspoint matrix”. However, the arguments are not persuasive for the reasons below.

viii) Applicant provided two-page references of *Introduction to Telephones and Telephone Systems*, by A. Michael Noll, Third Edition. However, Applicant failed to provide the publication date of the referenced document. Therefore, Applicant failed to prove the “matrix switch” as taught by A. Michael Noll is a commonly known and well accepted terminology at the time the current invention was made when the current application claims priority date of 6-11-97.

ix) As the Examiner has stated in the “Response to Arguments” in the previous Office Action, the Newton’s Telecom Dictionary does not define “cross-point matrix”.

Newton’s Telecom Dictionary does define “crosspoint” as “a single element in an array of elements that comprise a switch”. The Newton’s Telecom Dictionary also defines

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“matrix” as “A switch. A device for moving calls from one input to the desire output”.

Therefore, items 60, 64, 66, 68 of Fig. 1 of Heidari exactly meet the definition of “digital crosspoint matrix”.

x) The drawings (see item 103 of Fig. 1 of the current application) of the current application do not show the claimed “digital crosspoint matrix” is the same as the “matrix switch” as taught by Figure 6.12 of A. Michael Noll.

5. Applicant argues, on page 16, regarding claim 20. Applicant argues that the “vocoder” is not the same as a recording buffer and is not capable of recording all or a portion of an incoming call during an off-hook state. Applicant is respectfully reminded that claim 20 claimed “circuitry operable for recording all or a portion of the call.....wherein the recording circuitry further comprises: circuitry for coupling a recording buffer.....”. It is the circuitry operable for recording all or a portion of the call but NOT the recording buffer operable for recording all or a portion of the call. The claim 20 only claimed recording circuitry comprises circuitry for coupling a recording buffer.
6. Applicant argues, on page 17, regarding no plurality of telephone extensions in Fig. 1 of *Heidari*. For rejections to claim 71, the Examiner has stated that all rejections as stated in claims 1, 24, 24, 26 also apply to claim 71. While in the rejections to claim 1, the Examiner has stated that Heidari teaches on column 1 line 60 to column 2 line 2, conversation of a call is recorded. There must be a plurality of telephone extensions (caller and callee) coupled to the system as taught by Fig. 1 of *Heidari*. Further, all elements shown on Fig. 1 of *Heidari* are claimed “telecommunications devices” and are the “telephone extensions” as claimed in claim 71.

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7. Applicant argues, on page 17, regarding claim 72. As rejections stated in claim 18, Heidari teaches on column 1 line 63-66 the recording of the speech (claimed “voice mail message”) is a way of monitoring while the incoming and outgoing speech are performed.
8. Applicant argues, on page 17, regarding claim 73. Heidari teaches on column 3 line 35-62, column 5 line 49 to column 8 line 43, the switching circuitry connects the call to one device (digital receive, item 44 Fig. 1, or analog receive, item 46 Fig. 1) based on the information accompanying the call that the call is either an analog call or a digital call. The switching circuitry (item 60 Fig. 1) can also connects the call to the speaker (item 14 Fig. 1) based on the information accompanying the call that the call is an incoming call and the recipient is available. For the same “information accompanying the call” that identifies a digital call and for connecting to the speaker (destination telephone), the “information accompanying the call” must be the DTMF tone.
9. Applicant argues, on page 18, regarding USC 103 rejections to claims 6, 58-61, 69, 75-76, 79, and 81-82. As the Examiner responded in the previous Office action, the telephone extensions taught by Alfred serve as calling parties. The telephone taught by Heidari serves as a called party. Therefore, the modified system of Heidari in view of Alfred meets the claimed “switching circuitry connects incoming call to a telecommunication device (of Heidari) from among a plurality of telecommunication devices extensions (of Alfred). Unless Applicant specifically point out any argument that was not responded, this response has adequately responded to the Applicant’s arguments in the previous amendments
10. Applicant argues, on page 18, regarding claim 83. Applicant argued about reasoning to combine the three prior arts (see page 18 of arguments filed on 6-24-04). As rejections

stated in claims 74 and 58, Alfred teaches on Abstract and column 1 line 40-52 a plurality of cellular phones share with one number. Therefore, Alfred teaches a cell phone communication environment. Smith teaches on Fig. 1 and Fig. 2, a mobile telephone interfaces with central office trunk via cellular switch's CO trunk interface. Therefore, it is a perfect combination of Heidari, Alfred, and Smith in the mobile phone communication environment.

11. Applicant argues, on page 18, regarding claim 84. As rejections stated in claim 1, all elements of Fig. 1 of *Heidari* are the claimed "telecommunication devices". Each telecommunication device on Fig. 1, functions and operates separately.